



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 14, 2023

VIA ECF

Hon. Dale E. Ho
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Application **GRANTED IN PART.** The government shall file its memorandum of law in opposition by **January 22, 2024.** The memorandum of law shall serve as its response under Rule 12. Plaintiff shall file his reply by **February 5, 2024.** No further briefing shall be submitted. So Ordered.

Dale E. Ho
United States District Judge
Dated: December 15, 2023
New York, New York

Re: *Maxhuni v. Mayorkas, et al.*, No. 23 Civ. 9076 (DEH)

Dear Judge Ho:

This Office represents the government in this action seeking relief under the Administrative Procedure Act and the Mandamus Act for an alleged unreasonable delay in connection with an asylum application. This Office was served with the summons and the complaint on October 19, 2023, making the government's response to the complaint due on December 18, 2023. *See* Fed. R. Civ. P. 12(a)(2). On October 26, 2023, the Court entered a scheduling order directing Plaintiff to file a memorandum supporting her request for a writ of mandamus by November 22, 2023, with the government's opposition memorandum due by December 22, 2023, and Plaintiff's reply due by January 5, 2024. ECF No. 6. Pursuant to that order, Plaintiff filed his memorandum on November 20, 2023. ECF No. 7.

On behalf of the government, I write respectfully to request a thirty-day extension of the time to respond to Plaintiff's memorandum of law, *see* ECF No. 7, from December 22, 2023, to January 22, 2024, with a corresponding extension of time for Plaintiff's reply from January 5, 2024, to February 5, 2024. Because the government's response will be in the nature of a cross-motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, the government requests leave to file a reply, if any, by February 19, 2024. The government also requests that its forthcoming response to Plaintiff's memorandum of law be in lieu of the government otherwise responding to the complaint under Rule 12.

The extension is necessary because the agency needs more time to prepare its responsive papers, and due to upcoming vacation and holiday schedules, including of the undersigned. This is the government's first request for an extension of the deadline to respond to plaintiff's request for a writ of mandamus. Plaintiff consents to this request.

I thank the Court for its consideration of this letter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/ Joseph A. Pantoja
JOSEPH A. PANTOJA
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-2785
E-mail: joseph.pantoja@usdoj.gov
Attorney for Defendants

cc: Counsel of record (via ECF)